THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13930 OF 2006

ORAL ORDER:

The petitioner claims to be the owner and possessor of 3.69 hectares of land situated in Sy.No.149/1 of Pothavaram village, Devipatnam Mandal, East Godavari District. It is not in dispute that the land in question is notified as schedule area, and that the petitioner is a non-tribal. According to the petitioner, her father purchased the land in the year 1950 and, since then, her family members have been continuing in possession and enjoyment of the said land, and that their possession is not in contravention of any of the provisions of any statute. However, the respondents, at the instance of some local tribals, have been taking steps to dispossess the petitioner from the land in question. Hence, this writ petition, seeking a declaration that the alleged action of the respondents is arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare, appearing for the respondents.

The question, whether the petitioner is holding a valid title to the property in question, and whether she is in lawful possession, cannot be enquired into and decided by this Court in exercise of the jurisdiction under Article 226 of the Constitution of India. Even assuming that her possession is in contravention of any provisions of law, the respondents are required to follow due process of law, but cannot dispossess the petitioner forcibly.

Accordingly, while leaving it open to the respondents to take appropriate steps in accordance with law, if the circumstances so warrant, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession of the petitioner, without following due process of law.

The writ petition is accordingly, disposed of. No costs.

(G. ROHINI, J.)

18th July, 2006.

Kgr

Issue CC in two days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13930 OF 2006

18th July, 2006.

Between:

Saka Vekayamma. .. Petitioner.

And

The Spl. Dy. Collector (Tribal Welfare),
Rampachodavaram, East Godavari District,
and another. .. Respondents.